



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,933	08/24/2001	David B. Lektion	RSW920010150US1	3500

7590 09/10/2004

Jeanine S. Ray-Yarletts  
IBM Corporation  
T81/503  
P.O. Box 12195  
Research Triangle Park, NC 27709

EXAMINER
----------

SING, SIMON P

ART UNIT	PAPER NUMBER
----------	--------------

2645

3

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/938,933

Applicant(s)

LECTION ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 5-12, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Beason et al. US. 6,373,430.

1.1 Regarding claim 1, Beason discloses a personal radio 10 in figures 1 and 2, comprising:

a GPS receiver 12 (figure 2);

a radio transceiver 16 (figure 2), configured to modulate and transmit voice and positioning data received from said GPS receiver, and to demodulate voice and positioning data received from other personal radios (column 3, lines 26-33, 49-66; column 4, lines 22-25, 49-57).

1.2 Regarding claim 2, Beason teaches a processor 20 for processing positioning data received from GPS receiver 12 (figure 2).

Art Unit: 2645

1.3 Regarding claim 3, Beason teaches control button for transmitting positioning data (column 3, lines 49-53) in a data channel to another radios (column 4, lines 22-31).

It is inherent that the radio transceiver 16 has modulator/demodulator (encoder/decoder) for modulating (encoding) the positioning data onto a RF carrier signal for transmission.

1.4 Regarding claim 5, Beason teaches displaying positioning data, which inherently is processed by processor 20, on a map (figures 2 and 4; column 3, lines 32-37; column 4, lines 3-15, 48-57; column 1, lines 37-42).

1.5 Regarding claim 6, Beason teaches a display 30 for display the positioning data (column 3, lines 32-37, 40-42; column 4, lines 3-5).

1.6 Regarding claim 7, Beason teaches displaying positioning data of other radios (figure 4; column 3, lines 32-37; column 4, lines 3-15, 48-57; column 1, lines 37-42).

1.7 Regarding claim 8, Beason teaches that the personal radio is a CB radio (column 1, lines 49-62).

1.8 Regarding claim 9, Beason teaches that the personal radio is a mobile radio (figure 1; column 4, lines 48-57).

1.9 Regarding claim 10, Beason teaches that the personal radio is a family radio service device (column 1, lines 49-62; column 4, lines 48-57).

1.10 Regarding claims 11 and 16, Beason discloses a personal telephone 10 in figure 1 (column 3, lines 26-46). Beason teaches:

establishing a private, two way, short range voice communication link with at least one other personal radio (column 4, lines 48-57; column 3, lines 49-66);

establishing a data link with a positioning data transmitter and receiving positioning data from said positioning data transmitter (column 3, lines 49-57; column 4, lines 22-31);

processing said positioning data to determine location based information associated with the personal radio (column 4, lines 3-15);

and displaying said location based information in the personal radio (column 4, lines 3-15).

1.11 Regarding claims 12 and 17, it is inherent that the personal radio 10 modulates and demodulates positional data for transmission and in reception (figure 2; column 4, lines 22-31, 48-57). Beason further teaches displaying received positioning data on a map (column 4, lines 3-15; column 3, lines 32-37; column 1, lines 37-42).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 13, 14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beason et al. US 6,373,430 in view of Sprague et al. 5,422,816.

2.1 Regarding claim 4, Beason teaches an input device 28 for inputting name or an identifier for a unit (column 3, lines 42-45), the identifier and the poisoning data are transmitted in a data channel (column 4, lines 22-31) and displayed on another radio (column 3, lines 49-53; column 4, lines 3-11). Beason fails to teach encoding the positioning data with the identifier.

However, Sprague discloses a portable radio with a GPS receiver in figure 1. Sprague teaches that positions of the portable radio is updated and sent in packets to other radios for display (column 3, lines 14-21, 51-59). Sprague further teaches that a packet contains positions data and a user identification code (column 2, lines 1-5).

Therefore, since Beason teaches transmitting positioning data and identifier in a data channel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Beason's reference with the teaching of Sprague, so that both the positioning data and identifier would have been encoded into packets before modulated onto a RF carrier, because such a modification would have clarified the teaching of Beason of data transmission.

2.2 Regarding claim 13, 14, 18 and 19, Beason teaches an input device 28 for inputting a name or an identifier for a unit (column 3, lines 42-45), the identifier and the poisoning data are transmitted in a data channel (column 4, lines 22-31) and displayed on another radio (column 3, lines 49-53; column 4, lines 3-11). Beason fails to teach encoding/decoding the positioning data with the identifier.

However, Sprague discloses a portable radio with a GPS receiver in figure 1. Sprague teaches that positions of the portable radio is updated and sent in packets to other radios for display (column 3, lines 14-21, 51-59). Sprague further teaches that a packet contains positions data and a user identification code (column 2, lines 1-5).

Therefore, since Beason teaches transmitting positioning data and identifier in a data channel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Beason's reference with the teaching of Sprague, so that both the positioning data and identifier would have been encoded into packets for transmission and decoded in reception, because such a modification would have clarified the teaching of Beason of how both for the identifier and positioning data were transmitted and received.

3. Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beason et al. US 6,373,430 in view of Panther et al. US 5,263,195.

Beason teaches an input device 28 for inputting a name or an identifier for a unit (column 3, lines 42-45), the identifier and the poisoning data are transmitted in a data channel (column 4, lines 22-31) and displayed on another radio (column 3, lines 49-53; column 4, lines 3-11). Beason fails to teach encoding the positioning data with a private code.

However, Panther discloses a radio receiver with a private code for decrypting an encrypted message (column 12, lines 13-16).

Therefore, since Beason teaches transmitting positioning data and identifier in a data channel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Beason's reference with the teaching of Panther, so that the positioning data would have been encrypted with a private code before transmission, because such a modification would have secured the positioning data to only authorized personal radios.

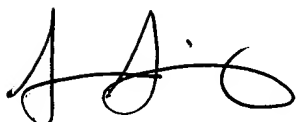
### ***Conclusion***

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Art Unit: 2645

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

09/03/2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

